



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/451,446	11/30/1999	HIDEHISA WAKAMATSU	1046.1204/JD	9077

21171 7590 01/15/2004

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

LEWIS, CHERYL RENEA

ART UNIT	PAPER NUMBER
----------	--------------

2177

15

DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/451,446

PR9
Applicant(s)

WAKAMATSU ET AL.

Examiner

Cheryl Lewis

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to the applicants' communication received on October 23, 2003, paper no. 14.
2. Claims 1-5 and 7-35 are presented for examination. Applicants have amended claims 1, 4, 7, 9, 11, 15, 16, 17, 19, 21, 23, 25, 27, 29, 31, and 32, Amendment C, October 23, 2003, paper no. 14.
3. Applicants' arguments received on October 23, 2003 have been fully considered but they are not deemed to be persuasive.

Drawings

4. The proposed drawing correction filed on October 23, 2003 has been disapproved because it is not in the form of a pen-and-ink sketch showing changes in red ink or with the changes otherwise highlighted. See MPEP § 608.02(v).

The applicants' figure 1 shows descriptive labels, however the changes made to the drawings are not in red ink.

Response to Remarks

5. (a) The applicants' remarks recite "The Examiner relies upon Tanaka as discussing searching, receiving, and transmitting index images via a camera controlled server that transmits image data via an image input unit to a client of a network.

Art Unit: 2177

Specifically, the Examiner relies upon Figure 1 and col. 3 at lines 20-34 as discussing same.", page 13, lines 23-26.

(a1) In response to the above recited remarks. The Examiner has relied on Tanaka to specifically teach "providing an index image to be included in a searched result". The Examiner has clearly shown and explained where these claimed elements are taught in the Tanaka reference. Specifically, the Office Action dated June 20, 2003, paper no. 13, states that these claimed features are taught in col. 3, lines 34-48 and col. 3, lines 50-62. In contrast, the Examiner has reviewed the applicants' remarks and has concluded that the applicants' have not provided any arguments to specifically point out any distinguishable difference between the cited references of Moriya and Tanaka and the applicants' claimed invention. In the applicants' remarks, the applicants only give a brief description about the contents of the two cited references.

(b) The applicants' remarks recite "However, in contrast to the foregoing references relied upon, the index image of present invention displays a latest state of a first screen of the home page.", page 14, lines 1 and 2.

(b1) In response to the above recited remarks. The Examiner believes that the applicants have amended the independent claims (1, 4, 7, 9, 11, 15, 16, 17, 19, 21, 23, 25, 27, 29, 31, and 32) to recite "wherein the index image displays a latest state of the first screen of the home page.", in an effort to overcome the 103 rejection of Moriya and Tanaka. As stated above, the applicants have not argued these two references to show the distinguishable difference between the applicants' invention and that of the two cited references. The primary reference, Moriya, teaches "wherein the index image displays

a latest state of the first screen of the home page." Moriya teaches a home page creating system, apparatus, and program recording medium, capable of creating a home page easily without requiring any special knowledge. Moriya teaches the index image display means. Moriya teaches A data file 27 contains, information for creating a home page, the user's basic data for which the user has contracted with a service provider concerned, a template selection table 27a, a preference inquiry data table 27b, a linked destination address table 27c, and a face image table 27d. As shown in FIG. 7, the face image table 27 is provided to paste a predetermined face image to the template, for example, in accordance with the name of a professional entertainer whom the user resemble, obtained in the preference data. As shown in figure 7, the relationship between the face images and the entertainers' names may be one-to-one or one against many. Figures 8A and 8B show displayed examples of home pages created in this embodiment. Figure 8A shows a displayed example of a created home page 28 obtained when the terminal is a personal computer. Figure 8B shows a displayed example of a created home page 29 obtained when the terminal is a portable information terminal (col. 5, lines 36-47, col. 6, lines 7-20). Likewise, Moriya teaches the index image displays a latest state of the first screen of the home page. Moriya when the server receives all user's preference data about predetermined items, it creates a home page by pasting information corresponding to the user's preference data to a predetermined template. The created home page is stored along with data on the date and time when the home page was created in a predetermined data file. The WWW server 2 then stores in the storage device 23 the home page created. The

Art Unit: 2177

WWW server reads out the date and time indicated by the internal timer of CPU 21, and then stores its information along with the home page in the data file 27. The WWW server 2 further sends the terminal 1a the home page and date and time information stored in the data file 27. The terminal 1a receives the home page and date and time information sent by the WWW server 2. It then stores the home page and the date and time information in the storage device 13, displays the home page on the display device 15 (col. 8, lines 1-29).

(c) The applicants' remarks recite "Dependent claims 2, 3, 8, 10, 12-14, 18, 20, 22, 24, 26, 28, 30, and 33-35 recite patentably distinguishing features of their own. For example, claim 3/1 recites "wherein the storing section stores the display file related to the display control file, and wherein the index image displays the home page displayed on the basis of the display control file and the display file by the single picture". Page 14, lines 7-11.

(c1) In response to the above recited remarks. Again, the applicants have merely recited what the dependent claims teach, the applicants have not cited or presented any arguments to distinguish the difference between the two cited references and the applicants' claimed invention. The Examiner again asserts that the claimed features of the dependent claims have been presented in the Office action dated October 23, 2003, paper no. 13.

The remaining dependent claims include claim limitations corresponding substantially to the above-discussed claim limitations for the independent claims and are also addressed by the above remarks.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2177

8. Claims 1-5 and 7-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moriya (Pat. No. 6,085,219 filed 3/16/1998) and Tanaka (Pat. No. 6,473,796 B2 filed 9/28/1998).

9. Regarding Claims 1, 12, 13-25, and 32-35, Moriya teaches home page creating systems apparatuses and program recording mediums, and home page displaying systems and program recording mediums.

The method and associated system for home page creating systems apparatuses and program recording mediums, and home page displaying systems and program recording mediums as taught or suggested by Moriya includes:

a storing section (figure 2, element 13, a storage device) storing a display control file (Abstract, lines 12-15, 'The created home page is stored along with data on the date and time when the home page was created in a predetermined data file...', col. 5, lines 36-47, 'The data file 27 stores the respective home pages...') including a character string (col. 5, lines 48-56, figure 4, element 27a template selection table, '...home page information types...') and a control character string (col. 5, lines 48-56, figure 4, element 27a template selection table, '...home page information types...') for controlling a display, wherein the display control file (col. 5, lines 36-47, 'The data file 27 contains, as information for creating a home page, the user's basic data for which the user has contracted with a service provider concerned, a template selection table 27a, a preference inquiry data table 27b, a linked destination address table 27c, and a face image table 27d.') provided with a client according to a request from the client (col. 4, lines 4-12, 'The terminals 1a-1c are each a client receives service from the WWW

Art Unit: 2177

server 2 and creates a home page, using the function of the WWW server 2...',

Abstract, lines 4-12, 'WWW server confirms a terminal's request to create a home page, the terminal's type code is set in a predetermined register based on the terminal's ID.

The server sends terminal user's preference inquiry data to the terminal and receives user's preference data entered from the terminal by the user. When the server receives all user's preference data about predetermined items, it creates a home page by pasting information corresponding to the user's preference data to a predetermined template.');

a holding section (col. 5, lines 44-45, figure 5, 'a face image table 27d.') holding an index image (col. 5, lines 45 and 46, col. 6, lines 7-13, figure 5, element 27d, the face image table, 'As shown Fig. 7, the face image table 27 is provided to paste a predetermined face image to the template, for example in accordance with the name of a professional entertainer whom the user resembles, obtained in the preference data.

As shown FIG. 7, the relationship between the face images and the entertainers' names may be one-to-one or one against many.')

which displays a home page displayed (Figures 8A-8B, col. 6, lines 14-30, 'FIG. 8A shows a displayed example of a created home page 28 obtained when the terminal is a personal computer...', i.e. 'Mr. XX'S

HOME PAGE, FACE IMAGE, SELF-INTRODUCTION, NEWS, INTEREST, AREA,

SHOPPING) according to the display control file and a display file relating to the display control file by a single picture (col. 5, lines 35-47, 'The data file 27 contains, as

information for creating a home page, the user's basic data for which the user has contracted with a service provider concerned, a template selection table 27a, a

preference inquiry data table 27b, a linked destination address table 27c, and a face

Art Unit: 2177

image table 27d.');

and a providing section (figure 7, element 27, col. 6, line 7, 'the face image table 27 is provided to paste a predetermined face image to the template...')

providing an index image held by the holding section (col. 5, lines 45 and 46, col. 6, lines 7-13, figure 5, element 27d, the face image table, 'As shown Fig. 7, the face image table 27 is provided to paste a predetermined face image to the template, for example in accordance with the name of a professional entertainer whom the user resembles, obtained in the preference data. As shown FIG. 7, the relationship between the face images and the entertainers' names may be one-to-one or one against many.')

according to a request from a searching server (col. 6, lines 59-67, 'Then, the terminal 1a sends a home page creating request to the WWW server 2 (S11). The terminal 1a then sends an ID of the terminal 1a to the WWW service 2 (S12). As shown in FIG. 10, the WWW server 2 first receives the home page creating request from the terminal 1a at step S11 of FIG. 9 and confirms it (S21). The WWW server 2 then receives the terminal ID sent from the terminal 1a at step S12...').

Moriya teaches a searching server (Abstract, lines 6-9, col. 7, lines 4-14, '...the terminal 1a receives the preference inquiry data sent by the WWW server 2 (S13). The received preference inquiry data is subjected to predetermined processing by CPU 11 and then displayed on the displayed device 15.');

and wherein the index image displays a latest state of the first screen of the home page (col. 5, lines 36-47, col. 6, lines 7-20, col. 8, lines 1-29).

However, Moriya does not expressly teach providing an index image to be included in a searched result.

Tanaka teaches an image processing system, apparatus and method in a client/server environment for client authorization controlled-based viewing of image sensed conditions from a camera.

The method and associated system for an image processing system, apparatus and method in a client/server environment for client authorization controlled-based viewing of image sensed conditions from a camera as taught or suggested by Tanaka includes:

providing an index image to be included in a searched result (col. 3, lines 34-48, 'The client 108 is an apparatus for obtaining image information and camera information from the camera server 102, and displaying proper information depending upon an instruction by a user.', col. 3, lines 50-62, 'First, a user (an operator of the client 108) launches the Web browser 109 in his/her own terminal. Then, the user inputs description as shown below, and refers to a home page of a host which includes the camera server 102...').

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the index image method of Moriya with the searched index image method of Tanaka because Tanaka's method enables index images to be searched, received, and transmitted via a camera controlled server that transmits image data via the image input unit to a client of the network (col. 3, lines 20-34).

10. Regarding Claim 2, Moriya teaches an index image creating section (Abstract, lines 1-5, 'A home page creating system, apparatus, and program recording medium, capable of creating a home page easily without requiring any special knowledge,

Art Unit: 2177

wherein, when a WWW server confirms a terminal's request to create a home page...') creating the index image on the basis of the display control file (col. 5, lines 40-46, 'The data file 27 contains, as information for creating a home page, the user's basic data for which the user has contracted...').

11. Regarding Claim 3, Moriya teaches the storing section stores the display file related to the display control file (Abstract, lines 12-15, 'The created home page is stored along with data on the date and time when the home page was created in a predetermined data file...', col. 5, lines 36-47, 'The data file 27 stores the respective home pages...'), and the index image displays the home page displayed (col. 5, lines 45 and 46, col. 6, lines 7-13, figure 5, element 27d, the face image table, 'As shown Fig. 7, the face image table 27 is provided to paste a predetermined face image to the template, for example in accordance with the name of a professional entertainer whom the user resembles, obtained in the preference data. As shown FIG. 7, the relationship between the face images and the entertainers' names may be one-to-one or one against many.', Figures 8A-8B, col. 6, lines 14-30, 'FIG. 8A shows a displayed example of a created home page 28 obtained when the terminal is a personal computer...', i.e. 'Mr. XX'S HOME PAGE, FACE IMAGE, SELF-INTRODUCTION, NEWS, INTEREST, AREA, SHOPPING) on the basis of the display control file and the display file by the single picture (col. 5, lines 35-47, 'The data file 27 contains, as information for creating a home page, the user's basic data for which the user has contracted with a service provider concerned, a template selection table 27a, a preference inquiry data table 27b, a linked destination address table 27c, and a face image table 27d.').

Art Unit: 2177

12. Regarding Claim 4, 5, 7, 8, 9, 11, the limitations of this claim is noted in the rejection above. In addition, Tanaka teaches a transmitting section transmitting (Abstract, lines 1-11, '...a camera control apparatus 102 in hyper text transfer protocol and requests the camera control apparatus 102 to transmit a file of its home page, the camera control apparatus 102 transmits a file, to the client control apparatus 108, including a description for causing the client control apparatus 108 to request the camera control apparatus 102 to transmit an applet for performing automatic reception.), to the client (Abstract, line 1, 'When a client control apparatus 108 on a network connects to a camera control apparatus 102 in hyper text transfer protocol and requests...'), the searched result generated by a searching section (col. 3, lines 58-62, 'Process 2: The client 108 connects to the conversion 105 via communication interfaces 110 and 107 using the Web browser 109. Then it, requests the conversion server 1-5 to send information back to the client 108...').

13. Regarding Claims 10 and 26-30, the limitations of this claim has been noted in the rejection above. In addition, Moriya teaches the mediation server (col. 6, lines 59-67, 'Then, the terminal 1a sends a home page creating request to the WWW server 2 (S11). The terminal 1a then sends an ID of the terminal 1a to the WWW service 2 (S12). As shown in FIG. 10, the WWW server 2 first receives the home page creating request from the terminal 1a at step S11 of FIG. 9 and confirms it (S21). The WWW server 2 then receives the terminal ID sent from the terminal 1a at step S12...') comprises a display control file creating section creating a display control file including the element information extracted and an index image corresponding to the element

Art Unit: 2177

information (col. 5, lines 36-47, 'The data file 27 contains, as information for creating a home page, the user's basic data for which the user has contracted with a service provider concerned, a template selection table 27a, a preference inquiry data table 27b, a linked destination address table 27c, and a face image table 27d.').

14. Regarding Claims 31, the limitations of this claim is noted in the rejection above. In addition, Moriya teaches the reference terminal receives a searched result (col. 4, lines 50-57, 'The user of each terminal 1a-1c enters via the input device 14 the users' preference data which is answer data to the users' preference inquiry data, and the other data to be described later.').

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2177

NAME OF CONTACT

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (703) 305-8750. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

(703) 746-5651 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Cheryl Lewis
Patent Examiner
January 12, 2004



JOHN BREENE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100